

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB40)

Received:	5/17/2013	Received By:	rchampag
Wanted:	Soon	Same as LRB:	
For:	Legislative Fiscal Bureau	By/Representing:	Johnson
May Contact:		Drafter:	rchampag
Subject:	State Finance - miscellaneous	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Legislative Fiscal Bureau**
Carbon copy (CC) to:

Pre Topic:

LFB:.....Johnson -

Topic:

Transfer Unclaimed Property Program to DOR

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rchampag 5/21/2013	jdyer 5/20/2013	jmurphy 5/20/2013	_____	mbarman 5/20/2013		
/2	rchampag 5/21/2013	jdyer 5/21/2013	phenry 5/21/2013	_____	srose 5/21/2013		
/3	rchampag 5/22/2013	jdyer 5/21/2013	jmurphy 5/21/2013	_____	mbarman 5/21/2013		
/4	rchampag	jdyer	phenry	_____	mbarman		

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	5/28/2013	5/22/2013	5/22/2013	_____	5/22/2013		
/5		jdye 5/28/2013	jmurphy 5/28/2013	_____ _____	mbarman 5/28/2013		

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5/28 jld
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jms 5/28

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/1 rchampag

1/5/20 jld

gm 5/20

gmt 5/20

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STATE TREASURER

Unclaimed Property Program Transfer

Motion:

Move to transfer administration of the unclaimed property program from the Office of State Treasurer (OST) to the Department of Revenue (DOR). Modify statutory language relating to the unclaimed property program to reflect the change in administration of the program.

Create an annual PR appropriation within DOR for administrative expenses associated with the unclaimed property program, funded from unclaimed property program revenue. Provide \$4,329,800 PR in 2013-14 and \$4,332,800 PR in 2014-15 and 5.95 PR positions annually to the appropriation.

Delete \$4,329,800 PR in 2013-14 and \$4,332,800 PR in 2014-15 and 5.95 PR positions annually in the OST's unclaimed property administrative expenses appropriation. Rename the appropriation to be the general program operations appropriation. In addition, transfer the following unclaimed property program appropriations to DOR: (1) unclaimed property contingency appropriation; and (2) unclaimed property claims appropriation.

Specify that the incumbent employees currently occupying the positions be transferred and any employment rights and status that the employees currently have at the OST be retained.

Note:

The motion would transfer the following positions from the OST to DOR for administration of the unclaimed property program: (a) records management program supervisor (1.0 position); (b) financial specialist (2.25 positions); (c) operations program associate (1.7 positions); (d) community services specialist (1.0 position).



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0116/1

RAC:.....

Rmr

jld

LFB:.....Johnson – Transfer Unclaimed Property Program to DOR

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40

✓

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 66, line 12: after that line insert:

3 “**SECTION 28m.** 14.58 (4) of the statutes is created to read:

4 14.58 (4) UNCLAIMED PROPERTY PROGRAM. If requested by the secretary of
5 revenue, provide any services related to the promotion of the unclaimed property
6 program under ch. 177.”.

7 **2.** Page 374, line 6: after that line insert:

8 “**SECTION 375m.** 20.437 (2) (qm) of the statutes is amended to read:

9 20.437 (2) (qm) *Child support state operations and reimbursement for claims*
10 *and expenses; unclaimed payments.* From the support collections trust fund, a sum
11 sufficient equal to the amounts credited under s. 20.912 (1) to the support collections

1 trust fund and the amounts not distributable under par. (r) for administering the
2 program under s. 49.22 and all other purposes specified in s. 49.22 and for
3 reimbursing the ~~state treasurer~~ secretary of revenue under s. 177.265.” ✓

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 471 to 513, 522; 2009 a. 76, 180, 185, 265, 339; 2011 a. 32, 258.

4 **3.** Page 392, line 17: after that line insert:

5 “**SECTION 463d.** 20.566 (4) of the statutes is created to read:

6 20.566 (4) UNCLAIMED PROPERTY PROGRAM. (a) *Unclaimed property; contingency*
7 *appropriation.* A sum sufficient to pay claims under ss. 177.24 to 177.26 and 863.39
8 (3). Money may be paid under this paragraph only if sufficient funds are not
9 available under par. (j). ✓

10 (j) *Unclaimed property; claims.* All moneys received under ss. 177.23 (2),
11 852.01 (3), 863.37 (2), and 863.39 to pay claims under ss. 177.24 to 177.26 and 863.39
12 (3) and to transfer the amounts appropriated under par. (k) and s. 20.585 (1) (k) to
13 the appropriation account under par. (k) and s. 20.585 (1) (k). ✓

14 (k) *Unclaimed property; administrative expenses.* From moneys transferred
15 from the appropriation account under par. (j), the amounts in the schedule for the
16 administrative expenses incurred in administering ch. 177. ✓

17 **SECTION 463h.** 20.585 (1) (e) of the statutes is repealed. ✓

18 **SECTION 463p.** 20.585 (1) (j) of the statutes is repealed. ✓

19 **SECTION 463t.** 20.585 (1) (k) of the statutes is amended to read: ✓

20 20.585 (1) (k) *Unclaimed property; administrative* Administrative *expenses.* ✓
21 From moneys transferred from the appropriation account under par. s. 20.566 (4) (j),
22 the amounts in the schedule for the administrative expenses incurred in
23 administering ch. 177.”. ✓

History: 1971 c. 125; 1973 c. 334; 1975 c. 270; 1977 c. 29; 1977 c. 418 ss. 160, 192; 1979 c. 221, 328; 1981 c. 20; 1983 a. 408; 1985 a. 29; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 1074m, 1079m, 1080m, 1126g to 1139r; 1995 a. 201; 1997 a. 27; 1999 a. 9 ss. 587, 597m; 1999 a. 44; 2001 a. 7, 16; 2003 a. 33; 2005 a. 478; 2009 a. 89; 2011 a. 32.

4. Page 400, line 16: after that line insert: ✓

“SECTION 490m. 20.909 (2) of the statutes is amended to read: ✓

20.909 (2) ESCHEATED PROPERTY. The state treasurer ~~secretary of revenue~~ may

sell either at public or private sale any personal property turned over to the ~~treasurer~~ ^{plain}

secretary as an escheat. The proceeds of any such sale shall become a part of the

school fund, and shall be subject to refund as specified by the provision of law

pursuant to which the property escheated.” ✓

History: 1991 a. 206, 316.

5. Page 879, line 10: after that line insert: ✓

“SECTION 1971m. 177.01 (1) of the statutes is amended to read: ✓

177.01 (1) “Administrator” means the state treasurer ~~secretary of revenue~~.” ✓

History: 1983 a. 408; 1991 a. 221; 1993 a. 112; 1999 a. 9; 2001 a. 109.

6. Page 879, line 16: after that line insert: ✓

“SECTION 1972m. 180.1440 of the statutes is amended to read: ✓

180.1440 Delivery to state treasurer ~~secretary of revenue~~. Assets of a

dissolved corporation that should be transferred to a creditor, claimant or

shareholder of the corporation and are unclaimed shall be reduced to cash and shall

be reported and delivered to the state treasurer ~~secretary of revenue~~ as provided ✓

under ch. 177.” ✓

History: 1989 a. 303.

7. Page 880, line 12: after that line insert: ✓

“SECTION 1976m. 181.1440 of the statutes is amended to read: ✓

181.1440 Deposit with state treasurer ~~secretary of revenue~~. Assets of ✓

a dissolved corporation that should be transferred to a creditor, claimant, or member

of the corporation who cannot be found or who is not competent to receive them, shall

be reduced to cash subject to known trust restrictions and deposited with the state

1 ~~treasurer~~ secretary of revenue✓ for safekeeping. However, in the ~~state treasurer's~~
2 secretary's discretion property may be received and held in kind. When the creditor,
3 claimant, or member furnishes satisfactory proof of entitlement to the amount
4 deposited or property held in kind, the ~~state treasurer~~ secretary of revenue✓ shall
5 deliver to the creditor, member or other person or his or her representative that
6 amount or property."✓

History: 1997 a. 79.

7 **8.** Page 882, line 10: after that line insert:✓

8 "SECTION 1982d.✓ 185.75 (2)✓ of the statutes is amended to read:

9 185.75 (2) Assets distributable in the course of the liquidation of a cooperative
10 that remain unclaimed after one year may be reported and delivered to the state
11 ~~treasurer~~ secretary of revenue✓ as provided under ch. 177. Assets distributable in the
12 course of the liquidation of a cooperative that are not forfeited under sub. (1) and that
13 remain unclaimed after 5 years shall be reported and delivered to the ~~state treasurer~~
14 secretary of revenue✓ under ch. 177.

History: 1983 a. 408; 1985 a. 30.

15 **SECTION 1982h.✓** 186.235 (11) (p) 3.✓ of the statutes is amended to read:

16 186.235 (11) (p) 3. One year after the date of the order for final distribution,
17 the office of credit unions shall report and deliver to the ~~state treasurer~~✓ secretary of
18 revenue all unclaimed funds as provided in ch. 177. All claims subsequently arising
19 shall be presented to the office of credit unions. If the office of credit unions
20 determines that any claim should be allowed, the office shall certify to the
21 department of administration the name and address of the person entitled to
22 payment and the amount of the payment and shall attach the claim to the certificate.

1 The department of administration shall certify the claim to the state treasurer for
2 payment.

History: 1995 a. 151 ss. 12 to 14, 16, 65, 191 to 231, 233, 235, 237 to 264, 292; 1995 a. 225 s. 429; 1995 a. 325 ss. 1, 2; 1995 a. 417; 1997 a. 35, 152; 2003 a. 63; 2011 a. 32.

3 **SECTION 1982p.** 193.735 (1) (intro.) of the statutes is amended to read:

4 193.735 (1) ALTERNATE PROCEDURE TO DISTRIBUTE PROPERTY. (intro.)

5 Notwithstanding s. 177.17 (4) (a) 2. and (b), a cooperative may distribute any
6 property required to be reported under s. 177.17 (1) to an entity that is exempt from
7 taxation under section 501 (a) of the Internal Revenue Code. A cooperative making
8 a distribution under this subsection shall file all of the following with the state
9 treasurer secretary of revenue before making the distribution:

History: 2005 a. 441.

10 **SECTION 1982t.** 193.905 (4) (b) of the statutes is amended to read:

11 193.905 (4) (b) Assets distributable in the course of the dissolution of a
12 cooperative that are not forfeited under par. (a) shall be reported and delivered to the
13 state treasurer secretary of revenue as provided under ch. 177.”.

History: 2005 a. 441.

14 **9.** Page 894, line 21: after that line insert:

secretary of revenue

15 **“SECTION 1990g.** 217.11 (5) of the statutes is amended to read:

16 217.11 (5) If a licensee ceases to do business in this state, the licensee shall
17 deposit the licensee’s records and proceeds of checks and remittances relating to
18 checks sold in this state with the state treasurer secretary of revenue. On claim and
19 submission of proof of ownership satisfactory to the ~~treasurer~~, the ~~treasurer~~
20 secretary of revenue shall pay such amount of the funds deposited as are owing to
21 a person. Such funds as are not paid out within 20 years from date of deposit shall
22 escheat to and become the property of the state, and shall be paid by the ~~treasurer~~

1 secretary of revenue and be dealt with in the same manner as other escheated
2 property.

3 History: 1981 c. 259; 1991 a. 316; 1995 a. 336. ✓

3 **SECTION 1990m.** 220.08 (14) of the statutes is amended to read: ✓

4 220.08 (14) The division may pay the moneys held by the division to the persons
5 entitled to them, upon being furnished satisfactory evidence of their right to the
6 same. In cases of doubt or conflicting claims, the division may require an order of the
7 circuit court authorizing and directing the payment thereof. The division may apply
8 the interest earned towards defraying the expenses in the payment and distribution
9 of such unclaimed deposits or dividends to the depositors and creditors entitled to
10 receive them, and if necessary may draw on the fund to defray such expenses. After
11 one year from the time of the order for final distribution, the division shall report and
12 deliver all unclaimed funds to the ~~state treasurer~~ secretary of revenue ✓ as provided
13 in ch. 177. All claims subsequently arising shall be presented to the division. If the
14 division determines that any claim should be allowed, the division shall certify to the
15 department of administration the name and address of the person entitled to
16 payment and the amount thereof and shall attach the claim to the certificate. The
17 secretary of administration shall certify the claim to the ~~state treasurer~~ ✓ secretary of
18 revenue for payment.

19 History: 1983 a. 408, 524; 1985 a. 127; Sup. Ct. Order, 136 Wis. 2d xiv (1987); 1991 a. 316; 1995 a. 27, 336; 2009 a. 177. ✓

19 **SECTION 1990s.** 220.08 (20) of the statutes is amended to read:

20 220.08 (20) In the event the division, as statutory receiver of closed state banks
21 or in connection with the division's supervision of segregated trusts, shall have
22 possession of any funds or property by reason of any recovery on an official bond or
23 otherwise, and said funds shall not belong to or be attributable to any specific bank
24 or banks in liquidation or to any specific segregated trust or trusts and it shall appear

1 that all or a number of banks in liquidation or all or a number of the segregated trusts
2 supervised by the division or the depositors or other creditors of such banks or trusts,
3 may have an interest in such funds or property, the division may petition the circuit
4 court for Dane County for an order directing the disposition of such funds or property.
5 The court, upon presentation of such a petition, shall direct the division to give such
6 notice of hearing thereon, by publication of a class 3 notice, under ch. 985, or
7 otherwise, as appears reasonable under the circumstances. The expenses of the
8 division in any such proceeding shall be paid out of such funds or property. If it shall
9 appear to the court that the persons to whom such funds or property may ultimately
10 belong cannot be found or ascertained or that the expense of such ascertainment
11 would in the judgment of the court be excessive or unreasonable under all the
12 circumstances, the court shall enter an order directing the division to transmit such
13 funds or property to the ~~state treasurer~~ [✓] secretary of revenue to become the property
14 of the state. Any person claiming an interest in any such funds or property so ordered
15 to be transmitted to the ~~state treasury~~ [✓] secretary of revenue may within 5 years after
16 the entry of such order bring suit against the state for recovery thereof without
17 interest.”. [✓]

History: 1983 a. 408, 524; 1985 a. 127; Sup. Ct. Order, 136 Wis. 2d xi (1987); 1991 a. 316; 1995 a. 27, 33[✓]; 2009 a. 177.

18 **10.** Page 979, line 23: after that line insert:

19 “**SECTION 2267e.** 645.73 (1) [✓] of the statutes is amended to read:

20 645.73 (1) UNCLAIMED FUNDS. The liquidator, as provided in ch. 177, shall report
21 and deliver to the ~~state treasurer~~ [✓] secretary of revenue all unclaimed funds subject
22 to distribution remaining in the liquidator’s hands when he or she is ready to apply
23 to the court for discharge, including the amount distributable to any creditor,

1 shareholder, member or other person who is unknown or cannot be found or who is
2 under disability with no person legally competent to receive a distributive share.

History: 1979 c. 102 ss. 220, 236 (23); 1983 a. 408.

3 **SECTION 2267r.** 645.73 (2) of the statutes is amended to read:

4 645.73 (2) WITHHELD FUNDS. All funds withheld under s. 645.64 and not
5 distributed shall upon discharge of the liquidator be deposited with the state
6 ~~treasurer~~ secretary of revenue and paid by the treasurer in accordance with s.
7 645.64. Any sums remaining which under s. 645.64 would revert to the
8 undistributed assets of the insurer shall be transferred to the ~~state treasurer~~
9 secretary of revenue and become the property of the state under sub. (1), unless the
10 commissioner petitions the court to reopen the liquidation under s. 645.75.”

History: 1979 c. 102 ss. 220, 236 (23); 1983 a. 408.

11 **11.** Page 982, line 20: after that line insert:

12 “**SECTION 2270e.** 704.90 (5) (b) 2. d. of the statutes is amended to read:

13 704.90 (5) (b) 2. d. A statement that unless the rent and other charges are paid
14 within the time period under subd. 2. c., the personal property may be disposed of if
15 the fair market value of the property is less than \$100 or will be sold, a specification
16 of the date, time and place of the sale and a statement that if the property is sold the
17 operator shall apply the proceeds of the sale first to satisfy the lien and shall report
18 and deliver any balance to the ~~state treasurer~~ secretary of revenue as provided under
19 ch. 177.

History: 1987 a. 23; 1991 a. 39; 1995 a. 27; 2005 a. 461; 2009 a. 380; 2011 a. 260 s. 80.

20 **SECTION 2270r.** 704.90 (6) (b) of the statutes is amended to read:

21 704.90 (6) (b) The operator shall apply the proceeds of the sale first to satisfy
22 the lien under sub. (3) (a). The operator shall report and deliver any balance to the
23 ~~state treasurer~~ secretary of revenue as provided under ch. 177.”

History: 1987 a. 23; 1991 a. 39; 1995 a. 27; 2005 a. 461; 2009 a. 380; 2011 a. 260 s. 80.

1 **12.** Page 983, line 6: after that line insert:

2 “**SECTION 2271m.** 707.28 (3) (f) 2. b. of the statutes is amended to read:

3 707.28 (3) (f) 2. b. If no party held a lien or security interest junior to that of
4 the foreclosing entity, or if all parties holding junior liens or security interests have
5 been paid, any surplus shall be paid to the former time-share owner. If the
6 foreclosing entity is unable to locate the former time-share owner within one year
7 after the foreclosure sale, the foreclosing entity shall deliver the surplus to the state
8 ~~treasurer~~ secretary of revenue as provided under ch. 177.”.

History: 2011 a. 102.

9 **13.** Page 989, line 24: after that line insert:

10 “**SECTION 2295d.** 863.37 (2) (a) of the statutes is amended to read:

11 863.37 (2) (a) Whenever payment of a legacy or a distributive share cannot be
12 made to the person entitled to payment or it appears that the person may not receive
13 or have the opportunity to obtain payment, the court may, on petition of a person
14 interested or on its own motion, order that the funds be paid or delivered to the state
15 ~~treasurer~~ secretary of revenue for deposit as provided under s. 177.23. Claims on the
16 funds may be made under s. 863.39 within 10 years after the date of publication
17 under s. 177.18. When a claimant to the funds resides outside the United States or
18 its territories the court may require the personal appearance of the claimant before
19 the court.

History: 1977 c. 449; 1979 c. 221; 1983 a. 408; 1997 a. 188.

20 **SECTION 2295h.** 863.39 (1) of the statutes is amended to read:

21 863.39 (1) **GENERALLY.** If any legacy or intestate property is not claimed by the
22 distributee within 120 days after entry of final judgment, or within the time
23 designated in the judgment, it shall be converted into money as close to the inventory

value as possible and paid to the ~~state treasurer~~ secretary of revenue for deposit as provided under s. 177.23. Claims for the money shall be made under sub. (3).

History: 1979 c. 221; 1983 a. 408; 1987 a. 27 s. 3200 (47); 1993 a. 486.

SECTION 2295p. 863.39 (3) (title) of the statutes is amended to read:

863.39 (3) (title) RECOVERY OF MONEY FROM STATE TREASURER.

History: 1979 c. 221; 1983 a. 408; 1987 a. 27 s. 3200 (47); 1993 a. 486.

SECTION 2295t. 863.39 (3) (a) of the statutes is amended to read:

863.39 (3) (a) Within 10 years after the date of publication under s. 177.18, any person claiming any amount deposited under sub. (1) may file in the probate court in which the estate was settled a petition alleging the basis of his or her claim. The court shall order a hearing upon the petition, and 20 days' notice of the hearing and a copy of the petition shall be given by the claimant to the department of revenue and to the attorney general, who may appear for the state at the hearing. If the claim is established it shall be allowed without interest, but including any increment which may have occurred on securities held, and the court shall so certify to the department of administration, which shall audit the claim. The ~~state treasurer~~ secretary of revenue shall pay the claim out of the appropriation under s. ~~20.585 (1)~~ 20.566 (4) (j). Before issuing the order distributing the estate, the court shall issue an order determining the death tax due, if any. If real property has been adjudged to escheat to the state under s. 852.01 (3) the probate court which made the adjudication may adjudge at any time before title has been transferred from the state that the title shall be transferred to the proper owners under this subsection."

History: 1979 c. 221; 1983 a. 408; 1987 a. 27 s. 3200 (47); 1993 a. 486.

14. Page 1043, line 6: after that line insert:

~~(0)~~ ^{IC} TRANSFER OF UNCLAIMED PROPERTY PROGRAM TO DEPARTMENT OF REVENUE.

^{hard} (a) *Assets and liabilities.* The assets and liabilities of the office of the state treasurer that the secretary of administration determines to be primarily related to

1 activities under chapter 177, 2011 stats., become the assets and liabilities of the
2 department of revenue on the effective date of this paragraph.✓

3 *hard* (b) *Employee transfer*.✓ All incumbent employees who hold positions in the office
4 of the state treasurer✓ performing duties that the secretary of administration
5 determines to be primarily related to chapter 177, 2011 stats., and the✓ full-time
6 equivalent positions held by those employees, are transferred to the department of
7 revenue on the effective date of this paragraph.✓

8 *hard* (c) *Employee status*.✓ Employees transferred under paragraph (b)✓ *hard* have all the
9 rights and the same status under subchapter V of chapter 111 and chapter 230✓ of the
10 statutes in the department of revenue✓ that they enjoyed in the✓ office of the state
11 treasurer immediately before the transfer. Notwithstanding section✓ 230.28 (4) of the
12 statutes, no employee so transferred who has attained permanent status in class is
13 required to serve a probationary period.

14 *hard* (d) *Tangible personal property*.✓ On the effective date of this paragraph, all
15 tangible personal property, including records, of the office of the state treasurer✓ that
16 the secretary of administration determines to be primarily related to activities under
17 chapter 177, 2011 stats., is transferred to the department of revenue.✓

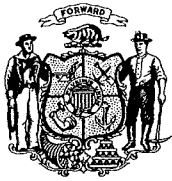
18 *hard* (e) *Contracts*.✓ All contracts that were entered into by the✓ office of the state
19 treasurer that the secretary of administration✓ determines to be primarily related to
20 activities under chapter 177, 2011 stats.,✓ and that are in effect on the effective date
21 of this paragraph remain in effect✓ and are transferred to the department of revenue.44

22 The department of revenue shall carry out any obligations under such a contract
23 until the contract is modified or rescinded by the department of revenue to the extent
24 allowed under the contract.✓

1 *hand* (f) *Rules and orders.* ✓ All rules promulgated, and all orders issued, by the office
2 of the state treasurer that the secretary of administration determines to be primarily
3 related to activities under chapter 177, 2011 stats., and that are in effect on the
4 effective date of this paragraph, ✓ shall remain in effect until their specified expiration
5 date or until amended or repealed by the department of revenue.

6 *hand* (g) *Pending matters.* ✓ Any matter pending with the ~~the~~ ✓ office of the state treasurer
7 that the secretary of administration determines to be primarily related to activities
8 under chapter 177, 2011 stats., is transferred to the department of revenue, and all
9 materials submitted to or actions taken by the office of the state treasurer with
10 respect to the pending matter are considered as having been submitted to or taken
11 by the department of revenue.”. ✓

12 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0116/1

RAC:jld:jm

2
RMR

LFB:.....Johnson – Transfer Unclaimed Property Program to DOR

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 40

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 66, line 12: after that line insert:

3 **“SECTION 28m.** 14.58 (4) of the statutes is created to read:

4 14.58 (4) UNCLAIMED PROPERTY PROGRAM. If requested by the secretary of
5 revenue, provide any services related to the promotion of the unclaimed property
6 program under ch. 177.”.

7 **2.** Page 374, line 6: after that line insert:

8 **“SECTION 375m.** 20.437 (2) (qm) of the statutes is amended to read:

9 20.437 (2) (qm) *Child support state operations and reimbursement for claims*
10 *and expenses; unclaimed payments.* From the support collections trust fund, a sum
11 sufficient equal to the amounts credited under s. 20.912 (1) to the support collections

1 trust fund and the amounts not distributable under par. (r) for administering the
2 program under s. 49.22 and all other purposes specified in s. 49.22 and for
3 reimbursing the ~~state treasurer~~ secretary of revenue under s. 177.265.”.

4 **3.** Page 392, line 17: after that line insert:

5 “**SECTION 463d.** 20.566 (4) of the statutes is created to read:

6 20.566 (4) UNCLAIMED PROPERTY PROGRAM. (a) *Unclaimed property; contingency*
7 *appropriation.* A sum sufficient to pay claims under ss. 177.24 to 177.26 and 863.39
8 (3). Money may be paid under this paragraph only if sufficient funds are not
9 available under par. (j).

10 (j) *Unclaimed property; claims.* All moneys received under ss. 177.23 (2),
11 852.01 (3), 863.37 (2), and 863.39 to pay claims under ss. 177.24 to 177.26 and 863.39
12 (3) and to transfer the amounts appropriated under par. (k) and s. 20.585 (1) (k) to
13 the appropriation accounts under par. (k) and s. 20.585 (1) (k).

14 (k) *Unclaimed property; administrative expenses.* From moneys transferred
15 from the appropriation account under par. (j), the amounts in the schedule for the
16 administrative expenses incurred in administering ch. 177.

17 **SECTION 463h.** 20.585 (1) (e) of the statutes is repealed.

18 **SECTION 463p.** 20.585 (1) (j) of the statutes is repealed.

19 **SECTION 463t.** 20.585 (1) (k) of the statutes is amended to read:

20 20.585 (1) (k) ~~*Unclaimed property; administrative*~~ *Administrative expenses.*
21 From moneys transferred from the appropriation account under par. ~~s. 20.566 (4)~~ (j),
22 the amounts in the schedule for the administrative expenses ~~incurred in~~
23 ~~administering ch. 177.”.~~

24 **4.** Page 400, line 16: after that line insert:

1 **“SECTION 490m.** 20.909 (2) of the statutes is amended to read:

2 20.909 (2) **ESCHEATED PROPERTY.** The ~~state treasurer~~ secretary of revenue may
3 sell either at public or private sale any personal property turned over to the ~~treasurer~~
4 secretary as an escheat. The proceeds of any such sale shall become a part of the
5 school fund, and shall be subject to refund as specified by the provision of law
6 pursuant to which the property escheated.”.

7 **5.** Page 879, line 10: after that line insert:

8 **“SECTION 1971m.** 177.01 (1) of the statutes is amended to read:

9 177.01 (1) “Administrator” means the ~~state treasurer~~ secretary of revenue.”.

10 **6.** Page 879, line 16: after that line insert:

11 **“SECTION 1972m.** 180.1440 of the statutes is amended to read:

12 **180.1440 Delivery to ~~state treasurer~~ secretary of revenue.** Assets of a
13 dissolved corporation that should be transferred to a creditor, claimant or
14 shareholder of the corporation and are unclaimed shall be reduced to cash and shall
15 be reported and delivered to the ~~state treasurer~~ secretary of revenue as provided
16 under ch. 177.”.

17 **7.** Page 880, line 12: after that line insert:

18 **“SECTION 1976m.** 181.1440 of the statutes is amended to read:

19 **181.1440 Deposit with ~~state treasurer~~ secretary of revenue.** Assets of
20 a dissolved corporation that should be transferred to a creditor, claimant, or member
21 of the corporation who cannot be found or who is not competent to receive them, shall
22 be reduced to cash subject to known trust restrictions and deposited with the ~~state~~
23 ~~treasurer~~ secretary of revenue for safekeeping. However, in the ~~state treasurer’s~~
24 secretary’s discretion property may be received and held in kind. When the creditor,

1 claimant, or member furnishes satisfactory proof of entitlement to the amount
2 deposited or property held in kind, the ~~state treasurer~~ secretary of revenue shall
3 deliver to the creditor, member or other person or his or her representative that
4 amount or property.”.

5 **8.** Page 882, line 10: after that line insert:

6 “**SECTION 1982d.** 185.75 (2) of the statutes is amended to read:

7 185.75 (2) Assets distributable in the course of the liquidation of a cooperative
8 that remain unclaimed after one year may be reported and delivered to the state
9 ~~treasurer~~ secretary of revenue as provided under ch. 177. Assets distributable in the
10 course of the liquidation of a cooperative that are not forfeited under sub. (1) and that
11 remain unclaimed after 5 years shall be reported and delivered to the ~~state treasurer~~
12 secretary of revenue under ch. 177.

13 **SECTION 1982h.** 186.235 (11) (p) 3. of the statutes is amended to read:

14 186.235 (11) (p) 3. One year after the date of the order for final distribution,
15 the office of credit unions shall report and deliver to the ~~state treasurer~~ secretary of
16 revenue all unclaimed funds as provided in ch. 177. All claims subsequently arising
17 shall be presented to the office of credit unions. If the office of credit unions
18 determines that any claim should be allowed, the office shall certify to the
19 department of administration the name and address of the person entitled to
20 payment and the amount of the payment and shall attach the claim to the certificate.
21 The department of administration shall certify the claim to the ~~state treasurer~~ for
22 payment.

23 **SECTION 1982p.** 193.735 (1) (intro.) of the statutes is amended to read:

✓

SECRETARY OF
REVENUE

1 193.735 (1) ALTERNATE PROCEDURE TO DISTRIBUTE PROPERTY. (intro.)
2 Notwithstanding s. 177.17 (4) (a) 2. and (b), a cooperative may distribute any
3 property required to be reported under s. 177.17 (1) to an entity that is exempt from
4 taxation under section 501 (a) of the Internal Revenue Code. A cooperative making
5 a distribution under this subsection shall file all of the following with the state
6 treasurer secretary of revenue before making the distribution:

7 **SECTION 1982t.** 193.905 (4) (b) of the statutes is amended to read:

8 193.905 (4) (b) Assets distributable in the course of the dissolution of a
9 cooperative that are not forfeited under par. (a) shall be reported and delivered to the
10 state treasurer secretary of revenue as provided under ch. 177.”.

11 **9.** Page 894, line 21: after that line insert:

12 **“SECTION 1990g.** 217.11 (5) of the statutes is amended to read:

13 217.11 (5) If a licensee ceases to do business in this state, the licensee shall
14 deposit the licensee’s records and proceeds of checks and remittances relating to
15 checks sold in this state with the state treasurer secretary of revenue. On claim and
16 submission of proof of ownership satisfactory to the treasurer secretary of revenue,
17 the treasurer secretary of revenue shall pay such amount of the funds deposited as
18 are owing to a person. Such funds as are not paid out within 20 years from date of
19 deposit shall escheat to and become the property of the state, and shall be paid by
20 the treasurer secretary of revenue and be dealt with in the same manner as other
21 escheated property.

22 **SECTION 1990m.** 220.08 (14) of the statutes is amended to read:

23 220.08 (14) The division may pay the moneys held by the division to the persons
24 entitled to them, upon being furnished satisfactory evidence of their right to the

1 same. In cases of doubt or conflicting claims, the division may require an order of the
2 circuit court authorizing and directing the payment thereof. The division may apply
3 the interest earned towards defraying the expenses in the payment and distribution
4 of such unclaimed deposits or dividends to the depositors and creditors entitled to
5 receive them, and if necessary may draw on the fund to defray such expenses. After
6 one year from the time of the order for final distribution, the division shall report and
7 deliver all unclaimed funds to the ~~state treasurer~~ secretary of revenue as provided
8 in ch. 177. All claims subsequently arising shall be presented to the division. If the
9 division determines that any claim should be allowed, the division shall certify to the
10 department of administration the name and address of the person entitled to
11 payment and the amount thereof and shall attach the claim to the certificate. The
12 secretary of administration shall certify the claim to the ~~state treasurer~~ secretary of
13 revenue for payment.

14 **SECTION 1990s.** 220.08 (20) of the statutes is amended to read:

15 220.08 (20) In the event the division, as statutory receiver of closed state banks
16 or in connection with the division's supervision of segregated trusts, shall have
17 possession of any funds or property by reason of any recovery on an official bond or
18 otherwise, and said funds shall not belong to or be attributable to any specific bank
19 or banks in liquidation or to any specific segregated trust or trusts and it shall appear
20 that all or a number of banks in liquidation or all or a number of the segregated trusts
21 supervised by the division or the depositors or other creditors of such banks or trusts,
22 may have an interest in such funds or property, the division may petition the circuit
23 court for Dane County for an order directing the disposition of such funds or property.
24 The court, upon presentation of such a petition, shall direct the division to give such
25 notice of hearing thereon, by publication of a class 3 notice, under ch. 985, or

1 otherwise, as appears reasonable under the circumstances. The expenses of the
2 division in any such proceeding shall be paid out of such funds or property. If it shall
3 appear to the court that the persons to whom such funds or property may ultimately
4 belong cannot be found or ascertained or that the expense of such ascertainment
5 would in the judgment of the court be excessive or unreasonable under all the
6 circumstances, the court shall enter an order directing the division to transmit such
7 funds or property to the ~~state treasurer~~ secretary of revenue to become the property
8 of the state. Any person claiming an interest in any such funds or property so ordered
9 to be transmitted to the ~~state treasury~~ secretary of revenue may within 5 years after
10 the entry of such order bring suit against the state for recovery thereof without
11 interest.”.

12 **10.** Page 979, line 23: after that line insert:

13 “**SECTION 2267e.** 645.73 (1) of the statutes is amended to read:

14 645.73 (1) UNCLAIMED FUNDS. The liquidator, as provided in ch. 177, shall report
15 and deliver to the ~~state treasurer~~ secretary of revenue all unclaimed funds subject
16 to distribution remaining in the liquidator’s hands when he or she is ready to apply
17 to the court for discharge, including the amount distributable to any creditor,
18 shareholder, member or other person who is unknown or cannot be found or who is
19 under disability with no person legally competent to receive a distributive share.

20 **SECTION 2267r.** 645.73 (2) of the statutes is amended to read:

21 645.73 (2) WITHHELD FUNDS. All funds withheld under s. 645.64 and not
22 distributed shall upon discharge of the liquidator be deposited with the state
23 ~~treasurer~~ secretary of revenue and paid by the ~~treasurer~~ ^{secretary} in accordance with s.
24 645.64. Any sums remaining which under s. 645.64 would revert to the

1 undistributed assets of the insurer shall be transferred to the ~~state treasurer~~
2 secretary of revenue and become the property of the state under sub. (1), unless the
3 commissioner petitions the court to reopen the liquidation under s. 645.75.”.

4 **11.** Page 982, line 20: after that line insert:

5 “**SECTION 2270e.** 704.90 (5) (b) 2. d. of the statutes is amended to read:

6 704.90 (5) (b) 2. d. A statement that unless the rent and other charges are paid
7 within the time period under subd. 2. c., the personal property may be disposed of if
8 the fair market value of the property is less than \$100 or will be sold, a specification
9 of the date, time and place of the sale and a statement that if the property is sold the
10 operator shall apply the proceeds of the sale first to satisfy the lien and shall report
11 and deliver any balance to the ~~state treasurer~~ secretary of revenue as provided under
12 ch. 177.

13 **SECTION 2270r.** 704.90 (6) (b) of the statutes is amended to read:

14 704.90 (6) (b) The operator shall apply the proceeds of the sale first to satisfy
15 the lien under sub. (3) (a). The operator shall report and deliver any balance to the
16 ~~state treasurer~~ secretary of revenue as provided under ch. 177.”.

17 **12.** Page 983, line 6: after that line insert:

18 “**SECTION 2271m.** 707.28 (3) (f) 2. b. of the statutes is amended to read:

19 707.28 (3) (f) 2. b. If no party held a lien or security interest junior to that of
20 the foreclosing entity, or if all parties holding junior liens or security interests have
21 been paid, any surplus shall be paid to the former time-share owner. If the
22 foreclosing entity is unable to locate the former time-share owner within one year
23 after the foreclosure sale, the foreclosing entity shall deliver the surplus to the ~~state~~
24 ~~treasurer~~ secretary of revenue as provided under ch. 177.”.

1 **13.** Page 989, line 24: after that line insert:

2 “**SECTION 2295d.** 863.37 (2) (a) of the statutes is amended to read:

3 863.37 (2) (a) Whenever payment of a legacy or a distributive share cannot be
4 made to the person entitled to payment or it appears that the person may not receive
5 or have the opportunity to obtain payment, the court may, on petition of a person
6 interested or on its own motion, order that the funds be paid or delivered to the state
7 treasurer secretary of revenue for deposit as provided under s. 177.23. Claims on the
8 funds may be made under s. 863.39 within 10 years after the date of publication
9 under s. 177.18. When a claimant to the funds resides outside the United States or
10 its territories the court may require the personal appearance of the claimant before
11 the court.

12 **SECTION 2295h.** 863.39 (1) of the statutes is amended to read:

13 863.39 (1) **GENERALLY.** If any legacy or intestate property is not claimed by the
14 distributee within 120 days after entry of final judgment, or within the time
15 designated in the judgment, it shall be converted into money as close to the inventory
16 value as possible and paid to the ~~state treasurer~~ secretary of revenue for deposit as
17 provided under s. 177.23. Claims for the money shall be made under sub. (3).

18 **SECTION 2295p.** 863.39 (3) (title) of the statutes is amended to read:

19 863.39 (3) (title) **RECOVERY OF MONEY FROM STATE TREASURER.**

20 **SECTION 2295t.** 863.39 (3) (a) of the statutes is amended to read:

21 863.39 (3) (a) Within 10 years after the date of publication under s. 177.18, any
22 person claiming any amount deposited under sub. (1) may file in the probate court
23 in which the estate was settled a petition alleging the basis of his or her claim. The
24 court shall order a hearing upon the petition, and 20 days' notice of the hearing and

1 a copy of the petition shall be given by the claimant to the department of revenue and
2 to the attorney general, who may appear for the state at the hearing. If the claim is
3 established it shall be allowed without interest, but including any increment which
4 may have occurred on securities held, and the court shall so certify to the department
5 of administration, which shall audit the claim. The ~~state treasurer~~ secretary of
6 revenue shall pay the claim out of the appropriation under s. ~~20.585 (1)~~ 20.566 (4)
7 (j). Before issuing the order distributing the estate, the court shall issue an order
8 determining the death tax due, if any. If real property has been adjudged to escheat
9 to the state under s. 852.01 (3) the probate court which made the adjudication may
10 adjudge at any time before title has been transferred from the state that the title
11 shall be transferred to the proper owners under this subsection.”.

12 **14.** Page 1043, line 6: after that line insert:

13 “(1c) TRANSFER OF UNCLAIMED PROPERTY PROGRAM TO DEPARTMENT OF REVENUE.

14 (a) *Assets and liabilities.* The assets and liabilities of the office of the state
15 treasurer that the secretary of administration determines to be primarily related to
16 activities under chapter 177, 2011 stats., become the assets and liabilities of the
17 department of revenue on the effective date of this paragraph.

18 (b) *Employee transfer.* All incumbent employees who hold positions in the office
19 of the state treasurer performing duties that the secretary of administration
20 determines to be primarily related to chapter 177, 2011 stats., and the full-time
21 equivalent positions held by those employees, are transferred to the department of
22 revenue on the effective date of this paragraph.

23 (c) *Employee status.* Employees transferred under paragraph b have all the
24 rights and the same status under subchapter V of chapter 111 and chapter 230 of the

1 statutes in the department of revenue that they enjoyed in the office of the state
2 treasurer immediately before the transfer. Notwithstanding section 230.28 (4) of the
3 statutes, no employee so transferred who has attained permanent status in class is
4 required to serve a probationary period.

5 (d) *Tangible personal property.* On the effective date of this paragraph, all
6 tangible personal property, including records, of the office of the state treasurer that
7 the secretary of administration determines to be primarily related to activities under
8 chapter 177, 2011 stats., is transferred to the department of revenue.

9 (e) *Contracts.* All contracts that were entered into by the office of the state
10 treasurer that the secretary of administration determines to be primarily related to
11 activities under chapter 177, 2011 stats., and that are in effect on the effective date
12 of this paragraph remain in effect and are transferred to the department of revenue.
13 The department of revenue shall carry out any obligations under such a contract
14 until the contract is modified or rescinded by the department of revenue to the extent
15 allowed under the contract.

16 (f) *Rules and orders.* All rules promulgated, and all orders issued, by the office
17 of the state treasurer that the secretary of administration determines to be primarily
18 related to activities under chapter 177, 2011 stats., and that are in effect on the
19 effective date of this paragraph, shall remain in effect until their specified expiration
20 date or until amended or repealed by the department of revenue.

21 (g) *Pending matters.* Any matter pending with the office of the state treasurer
22 that the secretary of administration determines to be primarily related to activities
23 under chapter 177, 2011 stats., is transferred to the department of revenue, and all
24 materials submitted to or actions taken by the office of the state treasurer with

1 respect to the pending matter are considered as having been submitted to or taken
2 by the department of revenue.”.

(END)

Champagne, Rick

From: Johnson, Rachel
Sent: Tuesday, May 21, 2013 12:29 PM
To: Champagne, Rick
Subject: RE: LRB Draft: 13b0116/2 Transfer Unclaimed Property Program to DOR

Rick,

A few changes from Bob, below, to make a few changes clearer. If the wording is not quite right ("for" versus "under" or "as specified") make the edits as you see fit. I apologize if this is an annoying way to submit changes—if phone or another method would be better let me know.

Rachel

✓ Page 1 lines 4-6

14.58 (4) UNCLAIMED PROPERTY PROGRAM. ~~If requested by the secretary of revenue, p~~ Provide any services related to the promotion of the unclaimed property program under ch. 177 in consultation with the secretary of revenue.".

✓ Page 2 lines 10-23

(j) *Unclaimed property; claims.* All moneys received under ss. 177.23 (2), 852.01 (3), 863.37 (2), and 863.39 to pay claims under ss. 177.24 to 177.26 and 863.39 (3), ~~and to transfer the amounts appropriated under par. (k) and~~ for promotional activities for the unclaimed property program under s. 20.585 (1) (k) as specified in s. 14.58 (4) to ~~the appropriation accounts under par. (k) and s. 20.585 (1) (k).~~

(k) *Unclaimed property; administrative expenses.* From moneys transferred from the appropriation account under par. (j), the amounts in the schedule for the administrative expenses incurred in administering ch. 177.

SECTION 463h. 20.585 (1) (e) of the statutes is repealed.

SECTION 463p. 20.585 (1) (j) of the statutes is repealed.

SECTION 463t. 20.585 (1) (k) of the statutes is amended to read:

20.585 (1) (k) ~~Unclaimed property; administrative~~ Administrative expenses.

~~From moneys transferred from the appropriation account under par. s. 20.566 (4) (j),~~

~~‡The amounts in the schedule for promotion of the unclaimed property program under ch. 177, from the appropriation account under s. 20.566 (4) (j) the administrative expenses incurred in~~
administering ch. 177."

From: Henry, Patty
Sent: Tuesday, May 21, 2013 11:46 AM
To: Johnson, Rachel
Cc: Bauer Jr., Jere; Hanaman, Cathlene; Holten, Vicki
Subject: LRB Draft: 13b0116/2 Transfer Unclaimed Property Program to DOR

Following is the PDF version of draft 13b0116/2.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0116/2 / 3
RAC:jld:ph

RMR

LFB:.....Johnson – Transfer Unclaimed Property Program to DOR

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40

4

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 66, line 12: after that line insert:

3 “SECTION 28m. 14.58 (4) of the statutes is created to read:

4 14.58 (4) UNCLAIMED PROPERTY PROGRAM. If requested by the secretary of

5 revenue, provide any services related to the promotion of the unclaimed property

6 program under ch. 177.” IN consultation with the secretary of
revenue

7 **2.** Page 374, line 6: after that line insert:

8 “SECTION 375m. 20.437 (2) (qm) of the statutes is amended to read:

9 20.437 (2) (qm) *Child support state operations and reimbursement for claims*
10 *and expenses; unclaimed payments.* From the support collections trust fund, a sum
11 sufficient equal to the amounts credited under s. 20.912 (1) to the support collections

1 trust fund and the amounts not distributable under par. (r) for administering the
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11 852.01 (3), 863.37 (2), and 863.39 to pay claims under ss. 177.24 to 177.26 and 863.39
12 (3) ¹and to transfer the amounts appropriated under par. (k) ²and s. 20.585 (1) (k) to

13 the appropriation accounts under par. (k) and s. 20.585 (1) (k) ³for promotional activities for the
14 *unclaimed property program under*

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22 From moneys transferred from the appropriation account under par. s. 20.566 (4) (j),
23 the amounts in the schedule for the ⁴administrative expenses incurred in
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4 secretary as an escheat. The proceeds of any such sale shall become a part of the
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16 under ch. 177.”.

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22 be reduced to cash subject to known trust restrictions and deposited with the ~~state~~
23 ~~treasurer~~ secretary of revenue for safekeeping. However, in the ~~state treasurer’s~~
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7 185.75 (2) Assets distributable in the course of the liquidation of a cooperative
8 that remain unclaimed after one year may be reported and delivered to the ~~state~~
9 ~~treasurer~~ secretary of revenue as provided under ch. 177. Assets distributable in the
10 course of the liquidation of a cooperative that are not forfeited under sub. (1) and that
11 remain unclaimed after 5 years shall be reported and delivered to the ~~state treasurer~~
12 secretary of revenue under ch. 177.

13 **SECTION 1982h.** 186.235 (11) (p) 3. of the statutes is amended to read:

14 186.235 (11) (p) 3. One year after the date of the order for final distribution,
15 the office of credit unions shall report and deliver to the ~~state treasurer~~ secretary of
16 revenue all unclaimed funds as provided in ch. 177. All claims subsequently arising
17 shall be presented to the office of credit unions. If the office of credit unions
18 determines that any claim should be allowed, the office shall certify to the
19 department of administration the name and address of the person entitled to
20 payment and the amount of the payment and shall attach the claim to the certificate.
21 The department of administration shall certify the claim to the ~~state treasurer~~
22 secretary of revenue for payment.

23 **SECTION 1982p.** 193.735 (1) (intro.) of the statutes is amended to read:

1 193.735 (1) ALTERNATE PROCEDURE TO DISTRIBUTE PROPERTY. (intro.)
2 Notwithstanding s. 177.17 (4) (a) 2. and (b), a cooperative may distribute any
3 property required to be reported under s. 177.17 (1) to an entity that is exempt from
4 taxation under section 501 (a) of the Internal Revenue Code. A cooperative making
5 a distribution under this subsection shall file all of the following with the state
6 ~~treasurer~~ secretary of revenue before making the distribution:

7 **SECTION 1982t.** 193.905 (4) (b) of the statutes is amended to read:

8 193.905 (4) (b) Assets distributable in the course of the dissolution of a
9 cooperative that are not forfeited under par. (a) shall be reported and delivered to the
10 ~~state treasurer~~ secretary of revenue as provided under ch. 177.”

11 **9.** Page 894, line 21: after that line insert:

12 **“SECTION 1990g.** 217.11 (5) of the statutes is amended to read:

13 217.11 (5) If a licensee ceases to do business in this state, the licensee shall
14 deposit the licensee’s records and proceeds of checks and remittances relating to
15 checks sold in this state with the ~~state treasurer~~ secretary of revenue. On claim and
16 submission of proof of ownership satisfactory to the ~~treasurer~~ secretary of revenue,
17 the ~~treasurer~~ secretary of revenue shall pay such amount of the funds deposited as
18 are owing to a person. Such funds as are not paid out within 20 years from date of
19 deposit shall escheat to and become the property of the state, and shall be paid by
20 the ~~treasurer~~ secretary of revenue and be dealt with in the same manner as other
21 escheated property.

22 **SECTION 1990m.** 220.08 (14) of the statutes is amended to read:

23 220.08 (14) The division may pay the moneys held by the division to the persons
24 entitled to them, upon being furnished satisfactory evidence of their right to the

1 same. In cases of doubt or conflicting claims, the division may require an order of the
2 circuit court authorizing and directing the payment thereof. The division may apply
3 the interest earned towards defraying the expenses in the payment and distribution
4 of such unclaimed deposits or dividends to the depositors and creditors entitled to
5 receive them, and if necessary may draw on the fund to defray such expenses. After
6 one year from the time of the order for final distribution, the division shall report and
7 deliver all unclaimed funds to the ~~state treasurer~~ secretary of revenue as provided
8 in ch. 177. All claims subsequently arising shall be presented to the division. If the
9 division determines that any claim should be allowed, the division shall certify to the
10 department of administration the name and address of the person entitled to
11 payment and the amount thereof and shall attach the claim to the certificate. The
12 secretary of administration shall certify the claim to the ~~state treasurer~~ secretary of
13 revenue for payment.

14 **SECTION 1990s.** 220.08 (20) of the statutes is amended to read:

15 220.08 (20) In the event the division, as statutory receiver of closed state banks
16 or in connection with the division's supervision of segregated trusts, shall have
17 possession of any funds or property by reason of any recovery on an official bond or
18 otherwise, and said funds shall not belong to or be attributable to any specific bank
19 or banks in liquidation or to any specific segregated trust or trusts and it shall appear
20 that all or a number of banks in liquidation or all or a number of the segregated trusts
21 supervised by the division or the depositors or other creditors of such banks or trusts,
22 may have an interest in such funds or property, the division may petition the circuit
23 court for Dane County for an order directing the disposition of such funds or property.
24 The court, upon presentation of such a petition, shall direct the division to give such
25 notice of hearing thereon, by publication of a class 3 notice, under ch. 985, or

1 otherwise, as appears reasonable under the circumstances. The expenses of the
2 division in any such proceeding shall be paid out of such funds or property. If it shall
3 appear to the court that the persons to whom such funds or property may ultimately
4 belong cannot be found or ascertained or that the expense of such ascertainment
5 would in the judgment of the court be excessive or unreasonable under all the
6 circumstances, the court shall enter an order directing the division to transmit such
7 funds or property to the ~~state treasurer~~ secretary of revenue to become the property
8 of the state. Any person claiming an interest in any such funds or property so ordered
9 to be transmitted to the ~~state treasury~~ secretary of revenue may within 5 years after
10 the entry of such order bring suit against the state for recovery thereof without
11 interest.”.

12 **10.** Page 979, line 23: after that line insert:

13 “**SECTION 2267e.** 645.73 (1) of the statutes is amended to read:

14 645.73 (1) UNCLAIMED FUNDS. The liquidator, as provided in ch. 177, shall report
15 and deliver to the ~~state treasurer~~ secretary of revenue all unclaimed funds subject
16 to distribution remaining in the liquidator’s hands when he or she is ready to apply
17 to the court for discharge, including the amount distributable to any creditor,
18 shareholder, member or other person who is unknown or cannot be found or who is
19 under disability with no person legally competent to receive a distributive share.

20 **SECTION 2267r.** 645.73 (2) of the statutes is amended to read:

21 645.73 (2) WITHHELD FUNDS. All funds withheld under s. 645.64 and not
22 distributed shall upon discharge of the liquidator be deposited with the state
23 ~~treasurer~~ secretary of revenue and paid by the ~~treasurer~~ secretary in accordance
24 with s. 645.64. Any sums remaining which under s. 645.64 would revert to the

1 undistributed assets of the insurer shall be transferred to the ~~state treasurer~~
2 secretary of revenue and become the property of the state under sub. (1), unless the
3 commissioner petitions the court to reopen the liquidation under s. 645.75.”.

4 **11.** Page 982, line 20: after that line insert:

5 “**SECTION 2270e.** 704.90 (5) (b) 2. d. of the statutes is amended to read:

6 704.90 (5) (b) 2. d. A statement that unless the rent and other charges are paid
7 within the time period under subd. 2. c., the personal property may be disposed of if
8 the fair market value of the property is less than \$100 or will be sold, a specification
9 of the date, time and place of the sale and a statement that if the property is sold the
10 operator shall apply the proceeds of the sale first to satisfy the lien and shall report
11 and deliver any balance to the ~~state treasurer~~ secretary of revenue as provided under
12 ch. 177.

13 **SECTION 2270r.** 704.90 (6) (b) of the statutes is amended to read:

14 704.90 (6) (b) The operator shall apply the proceeds of the sale first to satisfy
15 the lien under sub. (3) (a). The operator shall report and deliver any balance to the
16 ~~state treasurer~~ secretary of revenue as provided under ch. 177.”.

17 **12.** Page 983, line 6: after that line insert:

18 “**SECTION 2271m.** 707.28 (3) (f) 2. b. of the statutes is amended to read:

19 707.28 (3) (f) 2. b. If no party held a lien or security interest junior to that of
20 the foreclosing entity, or if all parties holding junior liens or security interests have
21 been paid, any surplus shall be paid to the former time-share owner. If the
22 foreclosing entity is unable to locate the former time-share owner within one year
23 after the foreclosure sale, the foreclosing entity shall deliver the surplus to the ~~state~~
24 ~~treasurer~~ secretary of revenue as provided under ch. 177.”.

1 **13.** Page 989, line 24: after that line insert:

2 “**SECTION 2295d.** 863.37 (2) (a) of the statutes is amended to read:

3 863.37 (2) (a) Whenever payment of a legacy or a distributive share cannot be
4 made to the person entitled to payment or it appears that the person may not receive
5 or have the opportunity to obtain payment, the court may, on petition of a person
6 interested or on its own motion, order that the funds be paid or delivered to the ~~state~~
7 ~~treasurer~~ secretary of revenue for deposit as provided under s. 177.23. Claims on the
8 funds may be made under s. 863.39 within 10 years after the date of publication
9 under s. 177.18. When a claimant to the funds resides outside the United States or
10 its territories the court may require the personal appearance of the claimant before
11 the court.

12 **SECTION 2295h.** 863.39 (1) of the statutes is amended to read:

13 863.39 (1) **GENERALLY.** If any legacy or intestate property is not claimed by the
14 distributee within 120 days after entry of final judgment, or within the time
15 designated in the judgment, it shall be converted into money as close to the inventory
16 value as possible and paid to the ~~state treasurer~~ secretary of revenue for deposit as
17 provided under s. 177.23. Claims for the money shall be made under sub. (3).

18 **SECTION 2295p.** 863.39 (3) (title) of the statutes is amended to read:

19 863.39 (3) (title) ~~RECOVERY OF MONEY FROM STATE TREASURER.~~

20 **SECTION 2295t.** 863.39 (3) (a) of the statutes is amended to read:

21 863.39 (3) (a) Within 10 years after the date of publication under s. 177.18, any
22 person claiming any amount deposited under sub. (1) may file in the probate court
23 in which the estate was settled a petition alleging the basis of his or her claim. The
24 court shall order a hearing upon the petition, and 20 days' notice of the hearing and

1 a copy of the petition shall be given by the claimant to the department of revenue and
2 to the attorney general, who may appear for the state at the hearing. If the claim is
3 established it shall be allowed without interest, but including any increment which
4 may have occurred on securities held, and the court shall so certify to the department
5 of administration, which shall audit the claim. The ~~state treasurer~~ secretary of
6 revenue shall pay the claim out of the appropriation under s. ~~20.585 (1)~~ 20.566 (4)
7 (j). Before issuing the order distributing the estate, the court shall issue an order
8 determining the death tax due, if any. If real property has been adjudged to escheat
9 to the state under s. 852.01 (3) the probate court which made the adjudication may
10 adjudge at any time before title has been transferred from the state that the title
11 shall be transferred to the proper owners under this subsection.”.

12 **14.** Page 1043, line 6: after that line insert:

13 “(1c) TRANSFER OF UNCLAIMED PROPERTY PROGRAM TO DEPARTMENT OF REVENUE.

14 (a) *Assets and liabilities.* The assets and liabilities of the office of the state
15 treasurer that the secretary of administration determines to be primarily related to
16 activities under chapter 177, 2011 stats., become the assets and liabilities of the
17 department of revenue on the effective date of this paragraph.✓

18 (b) *Employee transfer.* All incumbent employees who hold positions in the office
19 of the state treasurer performing duties that the secretary of administration
20 determines to be primarily related to chapter 177, 2011 stats., and the full-time
21 equivalent positions held by those employees, are transferred to the department of
22 revenue on the effective date of this paragraph.✓

23 (c) *Employee status.* Employees transferred under ✓ paragraph (b) have all the
24 rights and the same status under subchapter V of chapter 111 and chapter 230 of the

1 statutes in the department of revenue that they enjoyed in the office of the state
2 treasurer immediately before the transfer. Notwithstanding section 230.28 (4) of the
3 statutes, no employee so transferred who has attained permanent status in class is
4 required to serve a probationary period.

5 (d) *Tangible personal property.* On the effective date of this paragraph,[✓] all
6 tangible personal property, including records, of the office of the state treasurer that
7 the secretary of administration determines to be primarily related to activities under
8 chapter 177, 2011 stats., is transferred to the department of revenue.[✓]

9 (e) *Contracts.* All contracts that were entered into by the office of the state
10 treasurer that the secretary of administration determines to be primarily related to
11 activities under chapter 177, 2011 stats., and that are in effect on the effective date
12 of this paragraph remain in effect and are transferred to the department of revenue.[✓]
13 The department of revenue shall carry out any obligations under such a contract
14 until the contract is modified or rescinded by the department of revenue to the extent
15 allowed under the contract.

16 (f) *Rules and orders.* All rules promulgated, and all orders issued, by the office
17 of the state treasurer that the secretary of administration determines to be primarily
18 related to activities under chapter 177, 2011 stats., and that are in effect on the
19 effective date of this paragraph,[✓] shall remain in effect until their specified expiration
20 date or until amended or repealed by the department of revenue.

21 (g) *Pending matters.* Any matter pending with the office of the state treasurer
22 that the secretary of administration determines to be primarily related to activities
23 under chapter 177, 2011 stats., is transferred to the department of revenue, and all
24 materials submitted to or actions taken by the office of the state treasurer with

1 respect to the pending matter are considered as having been submitted to or taken
2 by the department of revenue.”.

3 (END)